

**GWENDOLYN COLE-HOOVER and
EDDIE LEE HOOVER,**

Plaintiffs,

vs.

**US AIRWAYS, INC., VICKY ADAMS, and
TRACY GODWIN,**

Defendants.

THIS MATTER is before the Court pursuant to Defendant Tracy Godwin's Motion to Dismiss (Doc. No. 8) and supporting memorandum (Doc. No. 9), both filed November 14, 2006. Plaintiffs responded on November 27, 2006 (Doc. No. 12), requesting the Court to delay ruling on the Motion to Dismiss until March 13, 2007, so that counsel could ascertain the address and whereabouts of Defendant Godwin. This extended deadline expired six months ago, and Plaintiffs have submitted no further response to the motion to dismiss. Accordingly, for the reasons stated in Defendant's motion and supporting memorandum, the Court grants the motion.

Also before the Court, *sua sponte*, is the issue of setting a trial in this matter. The discovery deadline expired June 15, 2007, and the dispositive motions deadline expired July 15, 2007 (Docs. Nos. 13, 32). No dispositive motions were filed in this matter. Accordingly, this matter is ripe for trial. This matter shall be set for docket call on November 6, 2007. An order specifying deadlines for pretrial submissions to the Court will follow.

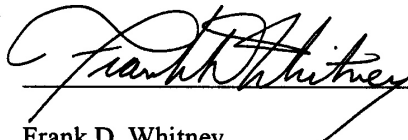
Finally, although there has been no appearance entered with the Court, the Court has been informed that Mr. Nikita Mackey with Mackey & Associates, PLLC, is now serving as counsel for

Plaintiffs. If, in fact, he is counsel for Plaintiffs, Mr. Mackey is ORDERED to immediately enter a Notice of Appearance in this matter. Otherwise, the Court will continue as though Plaintiffs are proceeding pro se.

IT IS, THEREFORE, ORDERED that Defendant Tracy Godwin's Motion to Dismiss (Doc. No. 8) is hereby GRANTED. The Clerk is DIRECTED to set this matter for docket call during the Court's trial term beginning on November 6, 2007. The Clerk is also DIRECTED to serve a copy of this Order on Plaintiffs at 7557 Greenbush Road, Akron, NY, 14001, as well as on Mr. Nikita Mackey, Mackey & Associates, PLLC, 212 S. Tryon Street, Suite 500, Charlotte, NC, 28281.

IT IS SO ORDERED.

Signed: September 13, 2007


Frank D. Whitney
United States District Judge

